

UNITED STATES DISTRICT COURT  
WESTERN DISTRICT OF WASHINGTON  
AT SEATTLE

JEFFREY CLAYTON ADAMS,

CASE NO. C24-086-RSM

Plaintiff,

V.

COMMISSIONER, SOCIAL SECURITY  
ADMINISTRATION,

ORDER GRANTING PLAINTIFF'S  
MOTION FOR ATTORNEY FEES  
UNDER THE EQUAL ACCESS TO  
JUSTICE ACT, 28 U.S.C. § 2412

Defendant.

This matter comes before the Court on Plaintiffs' unopposed Motion for attorney's fees pursuant to the Equal Access to Justice Act ("EAJA"), 28 U.S.C. § 2412. Dkt. #20.

Under EAJA, the Court must award attorney's fees to the prevailing party in an action such as this unless it finds the government's position was "substantially justified" or that special circumstances make an award unjust. 28 U.S.C. § 2412(d)(1)(A). EAJA creates a presumption that fees will be awarded to a prevailing party, but Congress did not intend fee shifting to be mandatory. *Flores v. Shalala*, 49 F.3d 562, 567 (9th Cir. 1995); *Zapon v. United States Dep't of Justice*, 53 F.3d 283, 284 (9th Cir. 1995). Rather, the Supreme Court has interpreted the term "substantially justified" to mean that a prevailing party is not entitled to recover fees if the government's position is "justified to a degree that could satisfy a reasonable person." *Pierce v.*

1 *Underwood*, 487 U.S. 552, 566 (1992). The decision to deny EAJA attorney's fees is within the  
 2 discretion of the court. *Lewis v. Barnhart*, 281 F.3d 1081, 1083 (9th Cir. 2002). Attorneys' fees  
 3 under EAJA must be reasonable. 28 U.S.C. § 2412(d)(2)(A); *Hensley v. Eckerhart*, 461 U.S. 424,  
 4 433 (1983).

5 This Motion is timely. Furthermore, upon review of the Motion and the record, the Court  
 6 determines that Plaintiff is the prevailing party and the Government's position was not  
 7 substantially justified. Plaintiff's Motion is unopposed, as Defendant Commissioner has not filed  
 8 any objection nor response. Under Local Civil Rule 7(b)(2), "[e]xcept for motions for summary  
 9 judgment, if a party fails to file papers in opposition to a motion, such failure may be considered  
 10 by the court as an admission that the motion has merit." The Court concludes that Plaintiff's  
 11 requested EAJA fees in the amount of \$6,700.07 are reasonable.

12 For the reasons set forth above, the Court ORDERS that Plaintiff's Motion, Dkt. #20, is  
 13 GRANTED. The Court awards Plaintiff fees in the amount of \$6,700.07 to be paid by Defendant,  
 14 subject to verification that Plaintiff does not have a debt which qualifies for offset against the  
 15 awarded fees, pursuant to the Treasury Offset Program discussed in *Astrue v. Ratliff*, 560 U.S. 586  
 16 (2010). If Plaintiff has no debt, the payment shall be by electronic fund transfer or check to  
 17 Plaintiff's attorney, George Andre Fields, at P.O. Box 231024, Sacramento, CA 95823. If Plaintiff  
 18 has a debt, then the check for any remaining funds after offset of the debt shall be made to  
 19 Plaintiff's attorney.

20 DATED this 4<sup>th</sup> day of November, 2024.

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23 RICARDO S. MARTINEZ  
 24 UNITED STATES DISTRICT JUDGE